



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 24, 1994

Mr. Brad Stafford  
City Manager  
City of Morton  
201 East Wilson  
Morton, Texas 79346

OR94-672

Dear Mr. Stafford:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27358.

The requestor seeks a listing of names, positions, salaries and duties of each city employee. You contend that section 552.102 of the Government Code excepts the information from required public disclosure.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.102 excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Section 552.102 excepts information in personnel files only if it meets the test under section 552.101 for common-law invasion of privacy. *Hubert v. Harte-Hanks Tex. Newspapers*, 652 S.W.2d 546 (Tex. App.--Austin 1983, writ ref'd n.r.e.). Under common-law privacy, information may be withheld if:

- (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and
- (2) the information is not of legitimate concern to the public.

*Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).

Some examples of personnel information not protected by common-law privacy include an employee's educational training, dates of employment, type of work, and salary. *See* Open Records Decision No. 455 (1987); *see also* Open Records Decision Nos. 470, 467 (1987). The public generally has a legitimate interest in knowing about the job performance of public employees. *See* Open Records Decision Nos. 444 (1986); 405 (1983). As the information requested is certainly of legitimate public interest, you must release it to the requestor in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Loretta DeHay". The signature is fluid and cursive, with the first name "Loretta" being more prominent than the last name "DeHay".

Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/LMM/rho

Ref.: ID# 27358

cc: Ms. Helen Combs  
P.O. Box 652  
Morton, Texas 79346